

IOWA DEPARTMENT OF INSPECTIONS AND  
APPEALS  
Division of Administrative Hearings  
Wallace State Office Building  
Des Moines, Iowa 50319

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**SHARON L DANIELS**  
**1518 N PENNSILVANIA**  
**MASON CITY, IA 50401**

**IOWA WORKFORCE DEVELOPMENT**  
**REEMPLOYMENT SERVS. COORDINATOR**  
**SHANLYN SEIVERT & MILA BAIER**

JOE WALSH, IWD  
DONNELL ANDERSON, IWD  
JONI BENSON, IWD

**Appeal Number: 13IWDUI039**  
**OC: 05/20/12**  
**Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>TH</sup> Floor Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to the department. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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March 25, 2013

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(Decision Dated & Mailed)

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871 IAC 24.2(1)e – Reemployment Services

**STATEMENT OF THE CASE**

Claimant/Appellant Sharon Daniels appealed a decision issued by Iowa Workforce Development (“IWD”), dated January 4, 2013, reference 02, finding she was ineligible to receive unemployment insurance benefits as of December 30, 2012 because she failed to attend a reemployment and eligibility assessment on January 3, 2013. Sharon Daniels submitted an appeal from this decision. The appeal is postmarked January 12, 2013.

On January 17, 2013, IWD transmitted the administrative file to the Department of Inspections and Appeals to schedule a contested case hearing. When IWD transmitted the file, it mailed a copy of the administrative file to Sharon Daniels. On January 24, 2013, the Department of Inspections and Appeals sent out a Notice of Telephone Hearing, scheduling a contested case hearing for March 22, 2013 at 1:00 pm.

On March 22, 2013, a contested case hearing was held before Administrative Law Judge Emily Gould Chafa. Sharon Daniels did not appear for the hearing. Mila Baier appeared and testified on behalf of IWD. Exhibits 1 – 14, submitted by IWD and Ms. Daniels, along with the notice of telephone hearing, were admitted into the record.

### **ISSUES**

Whether the Department correctly determined the claimant is ineligible to receive unemployment insurance benefits.

Whether the department correctly determined that the claimant did not establish justifiable cause for failing to participate in reemployment services.

### **FINDINGS OF FACT**

IWD selected Sharon Daniels to participate in its reemployment services program. On December 6, 2012, IWD sent Sharon Daniels a notice to report to attend a reemployment services assessment appointment on December 18, 2012 at 10:30 am. This notice included a telephone number to call if Ms. Daniels was unable to keep the scheduled appointment. Sharon Daniels did not attend that appointment. Ms. Baier could not lock her claim for the appropriate week after Daniels missed this appointment, so she scheduled another assessment appointment for January 3, 2013 at 3:15 pm. Ms. Baier mailed that notice of assessment appointment on December 26, 2012. Sharon Daniels did not attend that appointment.

Sharon Daniels did not call Ms. Baier at the listed telephone number before or after she missed the appointments. IWD issued a decision on January 4, 2013, reference 02, finding Sharon Daniels was ineligible to receive unemployment insurance (UI) benefits as of December 30, 2012 because she failed to attend the reemployment services appointment on January 3, 2013. This was the second appointment she missed.

Sharon Daniels filed an appeal postmarked January 12, 2013. Her appeal letter did not state any reasons why she missed the appointments. Sharon Daniels did not attend the December 18 or the January 3 assessment appointments. Sharon Daniels did not call to reschedule the assessment appointment either time. If she had done so, Mila Baier would have rescheduled the federally required assessment appointment. She did not appear to participate in her appeal hearing. Mila Baier testified that Sharon Daniels has not contacted her yet.

### **REASONING AND CONCLUSIONS OF LAW**

IWD and the Department of Economic Development jointly provide a reemployment services program.<sup>1</sup> Reemployment services may include: (1) an assessment of the claimant's aptitude, work history, and interest; (2) employment counseling; (3) job search and placement assistance; (4) labor market information; (5) job search workshops or job clubs and referrals to employers; (6) resume preparation; and (7) other similar services.<sup>2</sup>

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<sup>1</sup> 871 Iowa Administrative Code (IAC) 24.6(1).

<sup>2</sup> 871 IAC 24.6(3).

In order to maintain continuing eligibility for benefits, an individual is required to report to IWD as directed.<sup>3</sup> Specifically, a claimant is required to participate in reemployment services when referred by IWD, unless the claimant establishes justifiable cause for failure to participate or the claimant has previously completed the training or services.<sup>4</sup> Failure by the claimant to participate without justifiable cause shall disqualify the claimant from receiving benefits until the claimant participates in reemployment services.<sup>5</sup> “Justifiable cause for failure to participate is an important and significant reason which a reasonable person would consider adequate justification in view of the paramount importance of reemployment to the claimant.”<sup>6</sup>

Sharon Daniels did not participate in the hearing. The evidence presented shows that she did not make any efforts to contact IWD regarding the December or January appointments. Mila Baier testified that Sharon Daniels did not call her, before or after she sent the notice to report for the assessment. Sharon Daniels did not establish justifiable cause for missing the January 3, 2013 appointment. She did not follow through to reschedule the assessment appointment. She did not appear for his appeal hearing. IWD’s decisions are affirmed.

#### **DECISION**

IWD’s decision, dated January 4, 2013, reference 02, is AFFIRMED.

egc

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<sup>3</sup> 871 IAC 24.2(1)*e*.

<sup>4</sup> 871 IAC 24.6(6).

<sup>5</sup> 871 IAC 24.6(6).

<sup>6</sup> 871 IAC 24.6(6)*a*.